NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

State Pollutant Discharge Elimination System (SPDES)
DISCHARGE PERMIT

Industrial Code:	**4952**	SPDES Number:	**NY0095401**
Discharge Class (CL):	**05**	DEC Number:	**9-1448-00012/00004**
Toxic Class (TX):	**T**	Effective Date (EDP):	**10/01/2012**
Major Drainage Basin:	**01**	Expiration Date (ExDP):	**09/30/2017**
Sub Drainage Basin:	**04**	Modification Dates:	**11/01/2012**
Water Index Number:	**E**		
Compact Area:	**IJC**		

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et.seq.)(hereinafter referred to as "the Act").

PERMITTEE NAME AND ADDRESS

Name: **Erie County** Attention: **Mr. Joseph L. Fiegl, P.E. Deputy Commissioner**

Street: **95 Franklin Street – Room 1034**

City: **Buffalo** State: **NY** Zip Code: **14202**

is authorized to discharge from the facility described below:

FACILITY NAME AND ADDRESS

Name: **ECSD No. 3 - Southtowns Advanced Wastewater Treatment Plant**

Location (C,T,V): **Hamburg (T)** County: **Erie**

Facility Address: **S-3690 Lake Shore Road**

City: **Blasdell** State: **NY** Zip Code: **14219**

NYTM -E: NYTM - N:

From Outfall No.: **001** at Latitude: **42 ° 47 ′ 19 ″** & Longitude: **78 ° 51 ′ 51 ″**

into receiving waters known as: **Lake Erie** Class: **A-Special**

and; (list other Outfalls, Receiving Waters & Water Classifications) **(International Boundary Waters)**

Outfall 002: **Overflow Retention Facility, Bypass discharge to Outfall 001; To Lake Erie (A- Special) via Outfall 001; Lat.: 42°47'39" & Long.: 78°52'30"**

Outfall 003: **Combined monitoring point for Outfalls 001 and 002**

Outfall 004: **Emergency bypass through slots between influent and effluent wet well wall. Discharge to Lake Erie via Outfall 001.**

Note: Outfalls 001, 002 and 003 are located prior to the point of entry of final effluent from the Blasdell (V) Sewage Treatment Plant, permitted under SPDES Permit No. NY 002 0681.

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1.2(a) and 750-2.

DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS

Mailing Name: **Erie County / Southtowns Sewage Treatment Facility**

Street: **3690 Lakeshore Road**

City: **Blasdell** State: **NY** Zip Code: **14219**

Responsible Official or Agent: **Glenn H. Absolom, Jr., Chief Treatment Plant Supervisor** **Phone: 716-823-8188**

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

CO BWP - Permit Coordinator
Regional Water Engineer, Reg. 9 - NYSDEC
RPA
NYSEFC
USEPA Region 2 - Michelle Josilo
NYS Office of Parks, Recreation & Historic Preservation - Mark W. Thomas, Director Western District

Deputy Chief Permit Administrator: Stuart M. Fox

Address: Division of Environmental Permits
625 Broadway
Albany, NY 12233-1750

Signature: Stuart M. Fox Date: 9/20 12

OVERFLOW RETENTION FACILITY (ORF) and OTHER BYPASS:

Erie County is responsible to provide adequate capacity needed to convey and treat existing peaks flows to meet all SPDES permit effluent limitations, without recurring sanitary sewer overflows (SSOs) or wet weather bypasses at the **Southtowns Sewage Treatment Facility**. In accordance with 6 NYCRR Part 750-2.8(b)(2) and 40 CFR 122.41, discharges and bypasses of the collection and treatment system without treatment are prohibited, and the NYDEC may take enforcement action against the permittee for such discharges and bypasses unless (1) the bypass is necessary and unavoidable to prevent loss of life, personal injury, public health hazard, environmental degradation, or severe property damage and (2) there is no feasible alternative to the bypass and (3) the permittee complies with the notice requirements in 6 NYCRR Part 750-2.7, Incident Reporting. NYSDEC strongly discourages reliance on peak wet weather flow diversions around secondary treatment units as a long term wet weather management approach at a POTW serving separate sanitary sewer systems.

The following emergency bypass has been identified which discharges from the **Erie County / Southtowns Sewage Treatment Facility.** See Schedule of Compliance on Page 22 of this permit for specific requirements pertaining to this Outfall.

Outfall No.	Description	Latitude/Longitude	Receiving Stream/Class
004	Emergency Bypass through slots between influent and effluent wet wells	42° 47' 19" / 78° 51' 51"	Lake Erie via Outfall 001 / A-S

The above outfall shall be relegated for emergency use only. Discharges from an emergency overflow and all sanitary sewer overflows shall be reported on the Monthly Operating Report for the month in which it occurs. Specifically, the following information must be reported:

- the rainfall intensity, precipitation, frequency, duration and quantity of wastes discharged;
- all sampling shall be carried out on each bypass outfall at a frequency of one (1) bypass event during each month; and
- the sample type shall be grab and all permit parameters shall be tested for except total residual chlorine and fecal coliform.

Pursuant to ECL 17-0505, ORF outfalls are required to be listed in a valid SPDES permit. The following ORF outfall constitutes an approved anticipated bypass, provided that the permittee maintains compliance with the effluent limits and compliance schedules in this Permit, as well as the approved Capacity, Management, Operation and Maintenance (CMOM) Program. These discharges are only allowed after the plant's full capacity has been utilized and maximized, and the capacity of the ORF has been reached. The Department reserves the right to modify these requirements upon promulgation of the forthcoming USEPA peak wet weather flow policy to meet the requirements of that policy.

The following onsite ORF has been identified which discharges from the **Erie County / Southtowns Sewage Treatment Facility:**

Outfall No.	Description	Latitude/Longitude	Receiving Stream/Class
002	Effluent from Overflow Retention Basin	42° 47' 19" / 78 ° 51' 51"	Lake Erie via Outfall 001 / A-S

SPECIAL CONDITION FOR OUTFALLS 002 and 004:

The permittee shall adhere to the following two-hour oral reporting requirements from 6NYCRR 750-2.7(b):

TWO HOUR ORAL REPORTING OF BYPASS, UPSET OR OTHER INCIDENT. For discharges that would affect bathing areas during the bathing season, shellfishing or public drinking water intakes, the permittee shall, within two hours of becoming aware of the discharge, report orally to the Regional Water Engineer and the local health department any discharge of untreated or partially treated sewage. Such a report shall include:

(1) A brief description of the bypass, upset, or other incident;
(2) The location of the bypass, upset or other incident including the receiving water affected by the bypass, upset, or other incident;
(3) The estimated volume and characteristics of the discharge at the time of the oral report;
(4) A brief description of the measures taken to end the bypass, upset or other incident; and
(5) The estimated time when the bypass, upset, or other incident will be over and the total expected volume of the discharge.

Additional Notification: During the bathing season (June 15 to Labor Day), Mr. David Szuba, Capital Facilities Manager, OPRHP Niagara Frontier Region, Prospect State Park, P. O. Box 1132, Niagara Falls, NY 14427 shall be included in the notification according to the above Special Condition for Outfalls 002 and 004.

PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS

OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or EDPM)	The date this page is no longer in effect. (e.g. ExDP)

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.	The maximum level that may not be exceeded at any instant in time.	SU, °F, mg/l, etc.		

PARA-METER	EFFLUENT LIMIT	PRACTICAL QUANTITATION LIMIT (PQL)	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based limits, required under the Clean Water Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the permittee shall use the approved EPA analytical method with the lowest possible detection limit as promulgated under 40CFR Part 136 for the determination of the concentrations of parameters present in the sample unless otherwise specified. If a sample result is below the detection limit of the most sensitive method, compliance with the permit limit for that parameter was achieved. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This PQL can be neither lowered nor raised without a modification of this permit.	Action Levels are monitoring requirements, as defined below in Note 2, that trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, Temperature, concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly. All monitoring periods (quarterly, semiannual, annual, etc) are based upon the calendar year unless otherwise specified in this Permit.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

Note 1: DAILY DISCHARGE: The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

DAILY MAX.: The highest allowable daily discharge.
DAILY MIN.: The lowest allowable daily discharge.
MONTHLY AVG: The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
7 DAY ARITHMETIC MEAN (7 day average): The highest allowable average of daily discharges over a calendar week.
30 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
7 DAY GEOMETRIC MEAN: The highest allowable geometric mean of daily discharges over a calendar week.
RANGE: The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.

Note 2: ACTION LEVELS: Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001 (WWTP)	All Year	Lake Erie (A-Special)	11/01/2012	09/30/2017

PARAMETER	EFFLUENT LIMIT					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly average	16.0	MGD			Continuous	Recorder	X	X	
BOD_5	Monthly average	30	mg/l	4003	lbs/d	1 / day	24-hr. Comp.	X	X	1
BOD_5	7 day average	45	mg/l	6005	lbs/d	1 / day	24-hr. Comp.	X	X	
Solids, Suspended (TSS)	Monthly average	30	mg/l	4003	lbs/d	1 / day	24-hr. Comp.	X	X	1
Solids, Suspended (TSS)	7 Day average	45	mg/l	6005	lbs/d	1 / day	24-hr. Comp.	X	X	
Solids, Settleable	Daily maximum	0.3	ml/l			6 / day	Grab	X	X	
pH	Range	6.0 - 9.0	SU			6 / day	Grab	X	X	
Nitrogen, Ammonia (as NH_3)	Daily maximum	22.5	mg/l	3002	lbs/d	1 / day	24-hr. Comp.	X	X	5
Nitrogen, TKN (as N)	Daily maximum	Monitor	mg/l			2 / month	24-hr. Comp.	X	X	
Phosphorus, Total (as P)	Monthly average	1.0	mg/l			1 / day	24-hr. Comp	X	X	
Temperature	Daily maximum	Monitor	Deg. C			6 / day	Grab	X	X	
Effluent Disinfection required: [X] All Year [ ] Seasonal from _____ to _____										
Coliform, Fecal	30 Day geometric mean	200	No./ 100 ml			1 / day	Grab		X	2
Coliform, Fecal	7 Day geometric mean	400	No./ 100 ml			1 / day	Grab		X	2
Chlorine, Total Residual	Daily maximum	2.0	mg/l			6 / day	Grab		X	2,3
Chlorine, Total Residual	Daily maximum	0.375	mg/l			6 / day	Grab		X	4

FOOTNOTES:

1. Effluent shall not exceed **15** % and **15** % of influent concentration values for BOD_5 and TSS respectively.
2. Interim sampling procedures and techniques for Fecal Coliform and Total Residual Chlorine (TRC) are specified on Page 6 of this permit.
3 Interim Total Residual Chlorine (TRC) effluent limit: The interim TRC limit shall be at 2.0 mg/l as Daily Maximum until the date specified in the engineering report to be submitted as part of the Total Residual Chlorine Study required under the Schedule of Compliance on Page 18 of this Permit.
4. The final TRC effluent limit shall become effective on the date specified in the engineering report to be submitted as part of the Total Residual Chlorine Study required under the Schedule of Compliance on Page 18 of this Permit.
5. The permittee shall monitor and report the results for Ammonia (as NH_3) until the final effluent limits are in effect. The final effluent limits shall become effective in accordance with the implementation schedule contained in the approved Ammonia Study. The results of the Ammonia Study shall be used by this Department to evaluate the proposed Ammonia effluent limits using site-specific data. See Schedule of Compliance on Page **18** of this permit for Ammonia study requirements.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL NUMBER	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001 (WWTP)	[X] All Year	Lake Erie (A-Special)	11/01/2012	09/30/2017

PARAMETER	Effluent Limits		MONITORING ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	Location		FN
	Monthly Avg.	Daily Max.					Inf.	Eff.	
Oil & Grease		15		mg/l	2/month	Grab	X	X	
Phenolics, Total	2.0	Monitor		lbs/day	2/month	24-hr. Comp.	X	X	1
Cyanide, Free		10.5		lbs/day	2/month	24-hr. Comp.	X	X	1,2
Copper, Total			3.6	lbs/day	1 / quarter	24-hr. Comp.	X	X	
Zinc, Total			9.3	lbs/day	1 / quarter	24-hr. Comp.	X	X	
Nickel, Total			7	lbs/day	1 / quarter	24-hr Comp.	X	X	
Nitrate, as N		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Nitrite, as N		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Bromodichloromethane		Monitor		µg/l	1 / year	Grab	X	X	3
Chloroform		Monitor		µg/l	1 / year	Grab	X	X	3
Methylene chloride		Monitor		µg/l	1 / year	Grab	X	X	3
Fluoride		Monitor		mg/l	1 / year	24-hr. Comp.	X	X	

FOOTNOTES:

1. From **11/01/2012 to 11/01/2013,** the permittee shall monitor and report the results for Total Phenolics and Free Cyanide. Final permit limits for total phenolics and free cyanide shall become effective in accordance with the implementation schedule contained in the approved Phenolics and Cyanide study. See Schedule of Compliance on Page 18 for the Phenolics and Cyanide study requirements.

2. Cyanide permit limit is defined as free cyanide, the sum of HCN and CN^-. The permittee shall use EPA Method OIA-1677 [Method Detection Limit (MDL) = 0.5 ug/l with Practical Quantitation Limit (PQL) = 2.0 ug/l] to analysis for available cyanide whereas free cyanide is requested.

3. Grab sample for these parameters shall consist of three individual grab samples taken at eight-hour intervals.

Interim Sampling Procedures and Techniques for Fecal Coliform and Total Residual Chlorine

A. Fecal Coliform:

1. Collect a sample in a 125 ml capacity sterilized (preferable autoclaved) bacteriological bottle.
2. Hold sample for 15 minutes.
3. Mix samples by shaking.
4. * Carefully transfer the entire 125 ml sample to an autoclaved bacteriological bottle containing 3 - 4 drops of 10 % sodium thiosulfate solution. [**Note:** No spillage across neck of bottle allowed.]
5. With a sterile pipet, remove 10 ml of sample and transfer to a clean beaker.
6. Add 0.5 ml of 10 % acetic acid solution followed by 0.5 - 1.0 grams of potassium iodide solution.
7. Mix well and add 1.0 ml of starch solution.
8. If a blue color develops, discard the transferred bacteriological sample as the amount of thiosulfate it contains is insufficient to dechlorinate the sample.
9. Repeat the above procedure (with additional sodium thiosulfate being added to the autoclaved bacteriological bottle)* until the sample being tested no longer turns a blue color thereby assuring that no residual chlorine remains in the sample.
10. Perform analysis.

* Sodium thiosulfate is added to a clean bacteriological bottle before autoclaving.

B. Total Residual Chlorine:

1. Hold chlorinated sample in a clean sample container for 15 minutes, then perform analysis.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
002 (ORF)	During ORF discharges	Lake Erie via Outfall 001	11/01/2012	09/30/2017

PARAMETER	COMPLIANCE LIMIT		UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	7-day avg.	Daily Max.				
Flow		Monitor	MG	Continuous	Recorder/Totalizer	1
pH (range)	6.0 (min.) - 9.0 (max.)		SU	Daily	Grab	5
Solids, Settleable		0.3	ml/l	Daily	Grab	2,5
Coliform, Fecal	400		No/100 ml	Daily	Grab	3,8,10
Oil & Grease		15	mg/l	Daily	Grab	2,5
Chlorine, Total Residual		2.0	mg/l	Daily	Grab	2,5,9,10
Solids, Total Suspended	Monitor		mg/l	Daily	Composite	4,8
BOD_5	Monitor		mg/l	Daily	Composite	4,8
Nitrogen - Ammonia (as NH_3)		Monitor	mg/l	Daily	Composite	
Phosphorus		Monitor	mg/l	Daily	Composite	
Phenolics, Total		Monitor	mg/l	Daily	Composite	
Cyanide, Free		Monitor	mg/l	Daily	Composite	
Floatable Material		None	NA	Daily	Visual Observation	6,7
Precipitation		Monitor	Inches	Hourly	On-site Rain Gauge	11

FOOTNOTES:

1. No discharge except as specified in Page 2 of this permit. All flows diverted to the ORF from the headworks of the WWTP and all flows discharged from the ORF shall be continuously recorded and totalized. The permittee may use level monitoring equipment in the ORF to determine when flows have been diverted to the ORF basins, as well as to calculate the total volume of flow diverted. All flow records shall be summarized and reported on the monthly operating report.

2. Daily Maximum and Daily Minimum values shall be calculated based on the arithmetic mean of samples taken during any calendar day.

3. No./100 ml calculated as a geometric mean of the grab samples taken during each day of overflow.

4. Representative composite samples shall be a composite of grab samples, one taken every four hours. Sampling shall begin within 30 minutes of the start of discharge from the ORF.

5. Grab samples shall be collected a minimum of once every four (4) hours during each event. Sampling shall begin within 30 minutes of the start of discharge from the ORF.

6. Visual observation is required within 30 minutes of the start of discharge, and a minimum of once every 4 hours during each event.

7. Report the number of days during the month where at least one visual observation indicates the presence of floatable material. The number of days during the month where at least one visual observation indicates the presence of floatable material shall be summarized and reported on the monthly operating report.

8. The seven day average shall be calculated as the average of the results for each of the discharge days over the seven day period. For example, if the ORF discharges for three days during the period, the average of the three days would constitute the seven day average for the purposes of compliance.

9. Total Residual Chlorine (TRC) effluent limit: The TRC limit shall be 2.0 mg/l as Daily Maximum until the proposed total residual chlorine study is submitted, approved by the Department, and any construction completed in accordance with the approved report and schedule. Any changes to the TRC limit at Outfall 002 will be made at that time. See Schedule of Compliance on page 18 of this permit for Chlorine study requirements.

10. Interim sampling procedures and techniques for Fecal Coliform and Total Residual Chlorine shall follow procedures specified on Page 6 of this permit.

11. The permittee shall report daily and monthly total precipitation values in the monthly operating report.

SPECIAL CONDITIONS FOR OPERATION OF OVERFLOW RETENTION FACILITY

(a) The permittee shall monitor the effluent from the ORF for all permitted parameters cited above at the specified monitoring frequency and sample type. These data and the sampling information required by the Monitoring and Limitations table above, shall be summarized on a Wastewater Facility Operation Report [Form 92-15-7, or similar] and submitted to the Regional Water Engineer.

(b) The facilities shall be operated in conjunction with the tributary sewer system, pump stations and the POTW Treatment Plant to maximize pollutant removal.

(c) The peak design capacity at the WWTP is 40 MGD [Source: 1984 Addendum to SSES Report: The 1982 peak capacity = 2.5 x 16 MGD (design flow) = 40 MGD]. Presently this facility cannot meet this design criterion. The permittee shall not divert to the ORF unless the peak flow to the WWTP exceeds the maximum flow rate that can be safely handled by the secondary system without solids washout. The actual existing peak capacity based on maximizing flow through the secondary treatment units shall be documented in the Interim Wet Weather Operating Plan as required in condition (g) below and by the Schedule of Compliance on page 19 of this permit.

The County may use the ORF as a wastewater storage and equalization facility (without ORF discharges) for process operational flexibility and preventative maintenance.

(d) The permittee shall not discharge from the ORF unless the tank volume is full, and the treatment process cannot accept additional wastewater.

(e) The contents of the ORF (i.e., captured wastewater) shall not be reintroduced to the POTW Treatment Plant at a rate which would exceed the peak hourly flow or loading.

(f) Flow shall not be reintroduced to the POTW Treatment Plant at a rate that will cause an upset as defined by 6 NYCRR Part 750-2, Operating in Accordance with a SPDES Permit.

(g) Wet Weather Operating Plan:

The permittee shall develop and submit a Wet Weather Operating Plan (WWOP) **by 05/01/2013** for current operational conditions. The WWOP shall outline the optimum operational procedures to transition from dry weather operation mode to wet weather operation mode, and back to dry weather operation mode. These procedures shall be used to optimize the treatment of the maximum volume of wet weather flows possible at the treatment plant during wet weather events, while minimizing discharges through the permitted overflow retention facility (ORF) and meeting the effluent limitations in this permit. The permittee shall update the WWOP as appropriate whenever substantive changes, upgrades, or modifications are made to the Southtowns AWTF. The permittee shall submit the plan, and updates detailing changes to the plan as appropriate, to the NYSDEC Regional Water Engineer at the address listed on Page 23 of this permit, and to the Bureau of Water Permits, 625 Broadway, Albany, NY 12233-3505.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING	FN
003 (001 + 002)	During ORF discharges	Lake Erie (A-Special)	11/01/2012	09/30/2017	1

PARAMETER	EFFLUENT LIMIT					MONITORING REQUIREMENTS				FN
	Type	Limit	Unit	Limit	Units	Sample Frequency	Sample Type	Location		
								Inf.	Eff.	
Flow	Monthly average	Monitor	MGD			Continuous	Metered		X	
BOD_5	Monthly average	30	mg/l	Monitor	lbs/day	1 / day	24-hr. Comp.	X	X	2
BOD_5	7 day aver average	45	mg/l	Monitor	lbs/day	1 / day	24-hr. Comp.	X	X	
Solids, Suspended (TSS)	Monthly average	30	mg/l	Monitor	lbs/day	1 / day	24-hr. Comp.	X	X	2
Solids, Suspended (TSS)	7 day average	45	mg/l	Monitor	lbs/day	1 / day	24-hr. Comp.	X	X	
Solids, Settleable	Daily maximum	0.3	ml/l			1 / day	Grab	X	X	
pH (Range)	Range	6.0 - 9.0	SU			1 / day	Grab	X	X	
Nitrogen, Ammonia (as NH_3)	Daily maximum	22.5	mg/l	Monitor	lbs/day	1 / day	24-hr. Comp.	X	X	7
Nitrogen, TKN (as N)	Daily Maximum	Monitor	mg/l	Monitor	lbs/d	2 / month	24-hr. Comp.	X	X	
Phosphorus, Total (as P)	Monthly average	1.0	mg/l			1 / day	24-hr. Comp	X	X	3
Temperature	Daily maximum	Monitor	Deg C			1 / day	Grab	X	X	
Effluent Disinfection required: [X] All Year [ ] Seasonal from _____ to _____										
Coliform, Fecal	30 day geometric mean	200	No./100 ml			1 / day	Grab			4
Coliform, Fecal	7 day geometric mean	400	No./100 ml			1 / day	Grab			4
Chlorine, Total Residual	Daily Max.	0.375	mg/l			6 / day	Grab			4,5,6

FOOTNOTES:

1. The monitoring point for Outfall 003 shall be at Chamber No. 3 of the 66" outfall pipe where samples shall be representative of the combined discharges for Outfall 002 and Outfall 001. All flows diverted to the ORF from the headworks of the WWTP, and all flows discharged from the ORF shall be continuously recorded and totalized. The permittee may use level monitoring equipment in the ORF to determine when flows have been diverted to the ORF basins, as well as to calculate the total volume of flow diverted. The permittee shall append a summary of flow records collected during ORF discharge events as an attachment to the monthly operating report.

2. Effluent shall not exceed **15** % and **15** % of influent concentration values for BOD_5 and TSS respectively. For purpose of reporting the 7-day average and monthly average for concentrations, loadings and monthly percent (%) removals for BOD_5 and TSS, the permittee shall use data from Outfall 001 for days that there is no discharge from the ORF and include data from Outfall 003 during days the ORF discharged to calculate 7-day average, monthly average and monthly % removal for BOD_5 and TSS. The percent removal limits for this outfall shall be "Monitor Only" until the final % removal limits become effective in accordance with the implementation schedule in the approved I/I analysis and SSES according to the requirements in the Schedule on Page 19 of this permit.

3. When reporting monthly average concentration for phosphorus, use the same reporting method as described in FN 2 above.

4. Interim sampling procedures and techniques for Fecal Coliform and Total Residual Chlorine (TRC) are specified on Page **6** of this permit. When reporting 30 day geometric mean and 7 day geometric mean for fecal coliform, the permittee shall use data from Outfall 001 for days that there is no discharge from the ORF and include data from Outfall 003 during days in which the ORF discharged.

5. Interim TRC effluent limit: **Interim TRC limit shall be at 2.0 mg/l as daily maximum** until the date specified in the engineering report to be submitted as part of the Total Residual Chlorine Study required under the Schedule of Compliance on Page 18 of this Permit.

6. The final TRC effluent limit shall become effective on the date specified in the engineering report to be submitted as part of the Total Residual Chlorine Study required under the Schedule of Compliance on Page 18 of this Permit.

7. The permittee shall monitor and report the results for ammonia until final limits are in effect. Final permit limits shall become effective in accordance with the implementation schedule contained in the approved Ammonia Study. See "Schedule of Compliance" on Page 18 of this permit.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING	FN
003 (001 + 002)	During ORF discharge	Lake Erie (A-Special)	11/01/2012	09/30/2017	1

PARAMETER	Effluent Limits		MONITORING ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	Location		FN
	Monthly Avg.	Daily Max.					Inf.	Eff.	
Oil & Grease		15		mg/l	1 / month	Grab	X	X	
Phenolics, Total		15		µg/l	1 / month	24-hr. Comp.	X	X	
Cyanide, Free		50.6		µg/l	1 / month	24-hr. Comp.	X	X	2
Copper, Total		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Zinc, Total		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Nickel, Total		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Nitrate		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Nitrite		Monitor		mg/l	1 / quarter	24-hr. Comp.	X	X	
Bromodichloromethane		Monitor		µg/l	1 / year	Grab	X	X	3
Chloroform		Monitor		µg/l	1 / year	Grab	X	X	3
Methylene chloride		Monitor		µg/l	1 / year	Grab	X	X	3
Fluoride		Monitor		mg/l	1 / year	24-hr. Comp.	X	X	

FOOTNOTES:

1. Monitoring point for Outfall 003 shall be at Chamber No. 3 of the 66" outfall pipe where samples shall represent the combined discharges for Outfall 001 and Outfall 002.

2. Cyanide permit limit is as free cyanide, the sum of HCN and CN^-. The permittee shall use EPA Method OIA-1677 [Method Detection Limit (MDL) = 0.5 µg/l with Practical Quantitation Limit (PQL) = 2.0 µg/l] to analysis for available cyanide whereas free cyanide is requested.

3. Grab sample for these parameters shall consist of three individual grab samples taken at eight-hour intervals.

PERMIT LIMITS, LEVELS AND MONITORING - *E. Coli* during bathing season

OUTFALL No.	LIMITATIONS APPLY:	RECEIVING WATER	EFFECTIVE	EXPIRING
001	WWTF effluent during bathing season	Lake Erie	11/01/2012	09/30/2017
002	ORF discharge during bathing season	Lake Erie via Outfall 001	11/01/2012	09/30/2017
003 (001 + 002)	WWTF effluent and ORF discharge during bathing season	Lake Erie	11/01/2012	09/30/2017
004	Emergency Bypass through slots between influent and effluent wet wells	Lake Erie via Outfall 001	11/01/2012	09/30/2017

PARAMETER	Effluent Limits		MONITORING ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	Location		FN
	Monthly Avg.	Daily Max.					Inf.	Eff.	
E. Coli	NA	Monitor		No./100 ml	Daily	Grab		X	1,2,3

Footnotes:

1. Due to the proximity of Woodlawn Beach to outfalls of this facility, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) requests that daily morning samples of *E. coli* be collected and analyzed during the months of July and August. Samples shall be taken, preferably in the morning, at Outfalls 001, 002, 003 and 004. The permittee shall submit the results of these samples, as well as a copy of the DMR pages for the months of July and August, to the OPRHP office at the following address:

   David Szuba, Capital Facilities Manager
   NYS Office of Parks, Recreation and Historic Preservation
   Niagara Frontier Region, Prospect State Park
   P.O. Box 1132, Niagara Falls, NY 14427

2. A grab sample of the influent to the Southtowns AWTF is acceptable for the sampling requirements for Outfall 004.

3. Sampling of Outfalls 002, 003, and 004 is required only when these outfalls are actively discharging.

Capacity, Management, Operation and Maintenance Plan

1. **General Standards:** The permittee shall develop, maintain and implement a Capacity, Management, Operation and Maintenance (CMOM) program. The program should be effective at reducing wet weather flows with the goal of eliminating separate sanitary sewer overflows (SSOs) that receive less than secondary treatment as required by the Clean Water Act to ensure the protection of public health, receiving water(s) and the environment during wet weather period from a separate sanitary sewer system serving public owned treatment works (POTW). The primary performance measures for the CMOM program are:

   -Reductions in the number of backups and SSOs
   -Reduction in peak wet weather flows in the system
   -Minimization of pump station failures and overflows due to equipment malfunction

2. **Compliance Due Date**: **By 11/01/2013**, the permittee shall submit an approvable CMOM Program, including an implementation schedule, to the Regional Water Engineer for review and approval. The permittee shall begin implementation of the approved CMOM program within 3 months of Departmental approval. The permittee shall review, update and modify the CMOM plan annually and submit an annual report describing all actions taken in the preceding year no later than March 1 of each year. The submitted CMOM Program, once approved, shall supersede the requirements listed in this section for purposes of compliance with this Permit.

3. **Components of CMOM program:** The following components, at a minimum, shall be addressed in the development of the CMOM program. Note that while these components shall be addressed by the permittee, the permittee may address these and any additional items using organizational and implementation methods applicable to and tailored to their specific system:

   Goals
   Organization
   Legal Authority
   Measures and activities
   Design and Inspection Standards
   Overflow Emergency Response Plan
   System Evaluation and Capacity Assurance Plan
   Monitoring and evaluation the effectiveness of the CMOM program

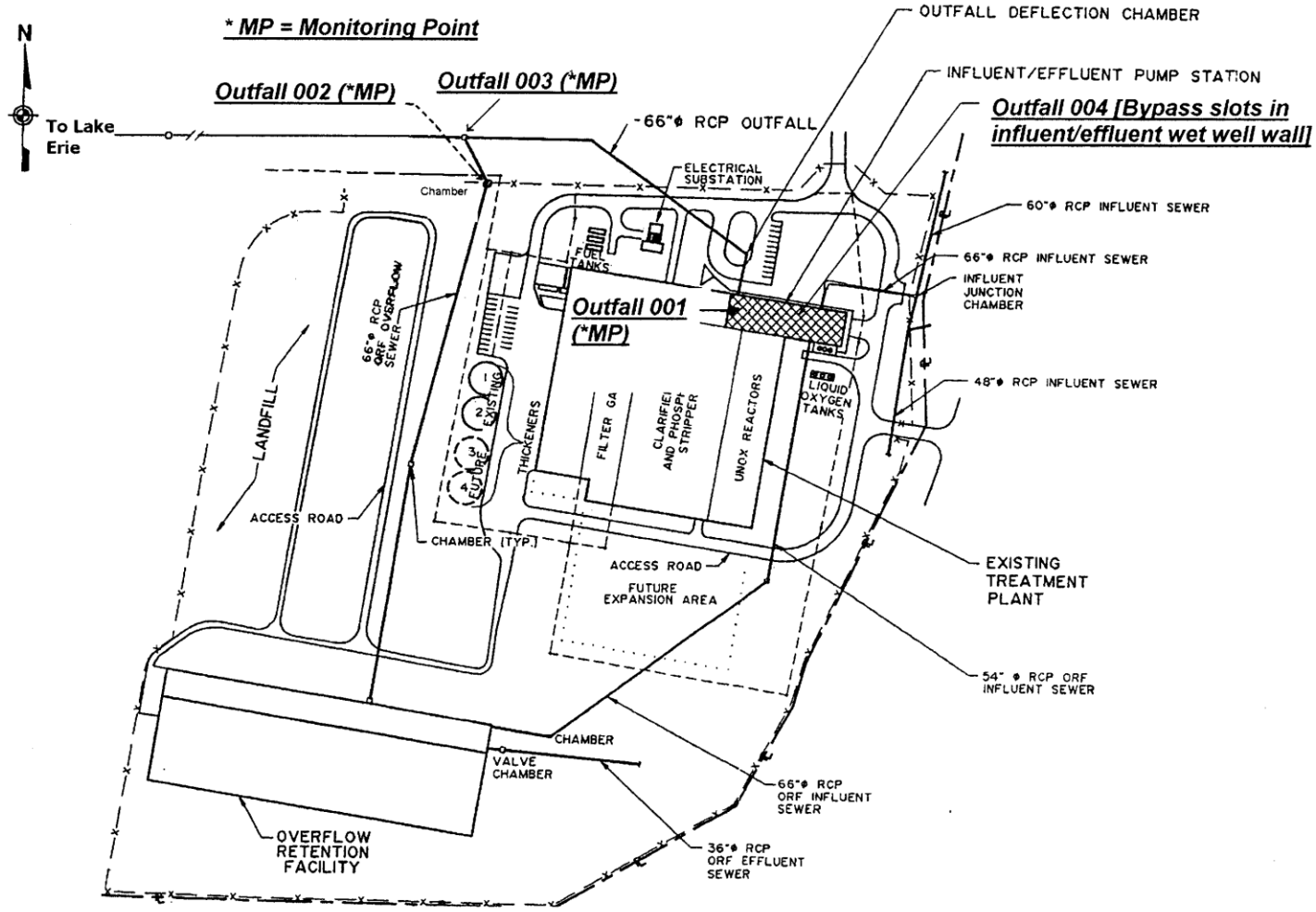
   The permittee may include measures undertaken and completed as part of other ongoing programs, as well as Asset Management planning and principles, to satisfy any applicable CMOM program requirements. The permittee may also indicate “not applicable” for any portions of the CMOM Program that do not apply to its facility or collection system based upon its knowledge of the system. Guidance for developing and evaluating CMOM programs can be found at: ttp://cfpub.epa.gov/npdes/sso/toolbox.cfm?program_id=4

4. **Compliance with CMOM Requirements:** As stated in (2) above, compliance with the submitted and approved CMOM Program shall constitute compliance with the CMOM requirements in this permit. Any future CMOM requirements promulgated by either the Department or USEPA will not go into effect for this facility, and the facility shall not be required to comply with these additional requirements, until such time as the facility's permit and approved CMOM Program are modified to include the future CMOM requirements. As part of that modification, a schedule of compliance will be included to allow adequate time for the permittee to update its approved CMOM Program to address the future CMOM requirements.

MONITORING LOCATIONS

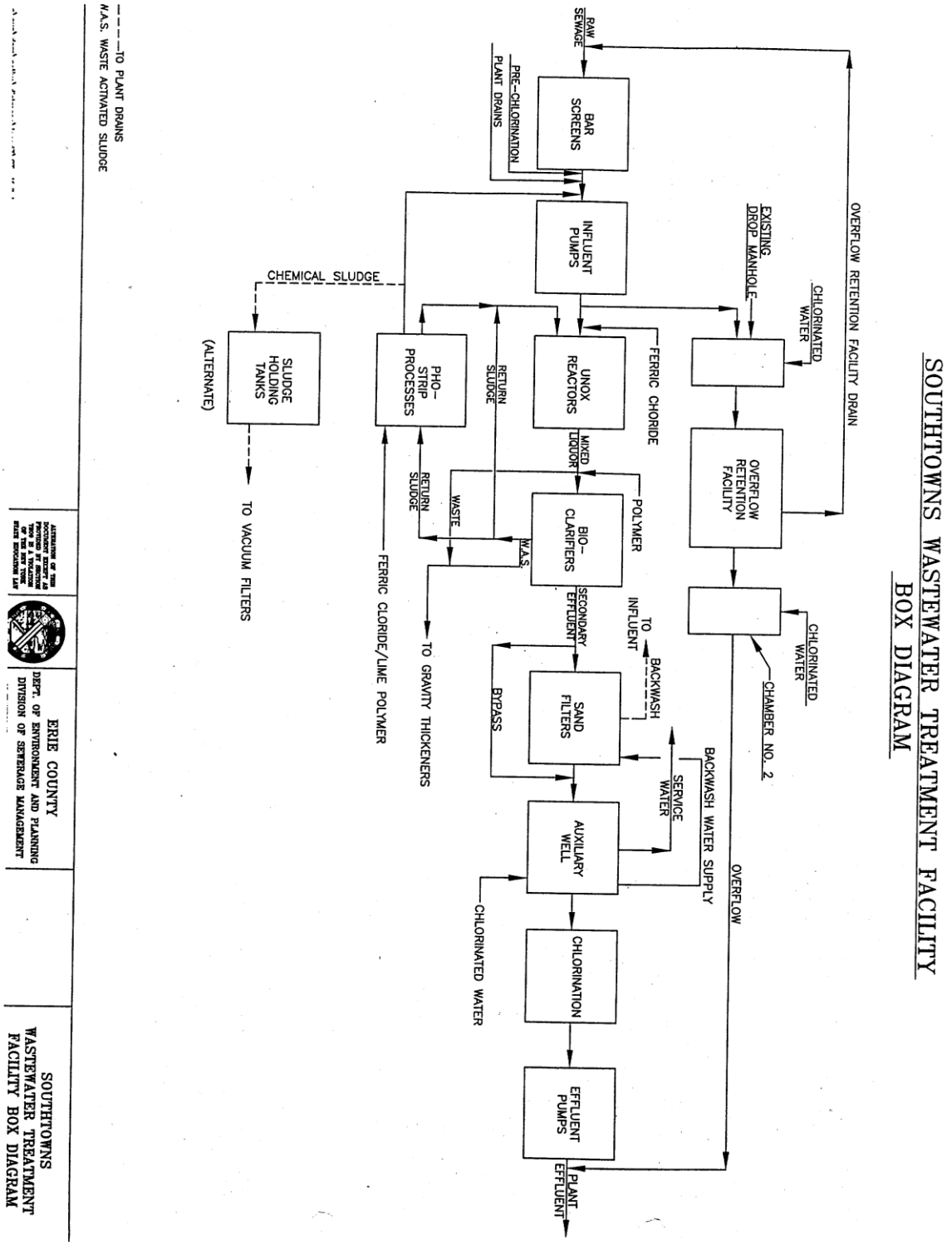
The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:

Monitoring point for Outfall 003 shall be at Chamber No. 3 of the 66" outfall pipe.



MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:



Note: See Monitoring Location page for monitoring point at each outfall.

PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS

A. DEFINITIONS. Generally, terms used in this Section shall be defined as in the General Pretreatment Regulations (40 CFR Part 403). Specifically, the following definitions apply to terms used in this Section (PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS):

1. Categorical Industrial User (CIU)- an industrial user of the POTW that is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N;

2. Local Limits - General Prohibitions, specific prohibitions and specific limits as set forth in 40 CFR 403.5.

3. The Publicly Owned Treatment Works (the POTW) - as defined by 40 CFR 403.3(o) and that discharges in accordance with this permit.

4. Program Submission(s) - requests for approval or modification of the POTW Pretreatment Program submitted in accordance with 40 CFR 403.11 or 403.18 and approved by letter dated September 10, 1984.

5. Significant Industrial User (SIU) -

   a. CIUs;

   b. Except as provided in 40 CFR 403.3(t)(2), any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) to the POTW;

   c. Except as provided in 40 CFR 403.3(t)(2), any other industrial user that contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;

   d. Any other industrial user that the permittee designates as having a reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.

6. Substances of Concern - Substances identified by the New York State Department of Environmental Conservation's Industrial Chemical Survey as substances of concern.

B. IMPLEMENTATION. The permittee shall implement a POTW Pretreatment Program in accordance 40 CFR Part 403 and as set forth in the permittee's approved Program Submission(s). Modifications to this program shall be made in accordance with 40 CFR 403.18. Specific program requirements are as follows:

1. Industrial Survey. To maintain an updated inventory of industrial dischargers to the POTW the permittee shall:

   a. Identify, locate and list all industrial users who might be subject to the industrial pretreatment program from the pretreatment program submission and any other necessary, appropriate and available sources. This identification and location list will be updated, at a minimum, every five years. As part of this update the permittee shall collect a current and complete New York State Industrial Chemical Survey form (or equivalent) from each SIU.

   b. Identify the character and volume of pollutants contributed to the POTW by each industrial user identified in B.1.a above that is classified as a SIU.

   c. Identify, locate and list, from the pretreatment program submission and any other necessary, appropriate and available sources, all significant industrial users of the POTW.

2. Control Mechanisms. To provide adequate notice to and control of industrial users of the POTW the permittee shall:

   a. Inform by certified letter, hand delivery courier, overnight mail, or other means which will provide written acknowledgment of delivery, all industrial users identified in B.1.a. above of applicable pretreatment standards and requirements including the requirement to comply with the local sewer use law, regulation or ordinance and any applicable requirements under section 204(b) and 405 of the Federal Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS (continued)

b. Control through permit or similar means the contribution to the POTW by each SIU to ensure compliance with applicable pretreatment standards and requirements. Permits shall contain limitations, sampling frequency and type, reporting and self-monitoring requirements as described below, requirements that limitations and conditions be complied with by established deadlines, an expiration date not later than five years from the date of permit issuance, a statement of applicable civil and criminal penalties and the requirement to comply with Local Limits and any other requirements in accordance with 40 CFR 403.8(f)(1).

3. Monitoring and Inspection. To provide adequate, ongoing characterization of non-domestic users of the POTW, the permittee shall:

a. Receive and analyze self-monitoring reports and other notices. The permittee shall require all SIUs to submit self-monitoring reports at least every six months unless the permittee collects all such information required for the report, including flow data.

b. The permittee shall adequately inspect each SIU at a minimum frequency of once per year.

c. The permittee shall collect and analyze samples from each SIU for all priority pollutants that can reasonably be expected to be detectable at levels greater than the levels found in domestic sewage at a minimum frequency of once per year.

d. Require, through permits, each SIU to collect at least one 24 hour, flow proportioned composite (where feasible) effluent sample every six months and analyze each of those samples for all priority pollutants that can reasonably be expected to be detectable in that discharge at levels greater than the levels found in domestic sewage. The permittee may perform the aforementioned monitoring in lieu of the SIU except that the permittee must also perform the compliance monitoring described in 3.c.

4. Enforcement. To assure adequate, equitable enforcement of the industrial pretreatment program the permittee shall:

a. Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in self-monitoring reports and notices or indicated by analysis, inspection and surveillance activities. Sample taking and analysis and the collection of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Enforcement activities shall be conducted in accordance with the permittee's Enforcement Response Plan developed and approved in accordance with 40 CFR Part 403.

b. Enforce compliance with all national pretreatment standards and requirements in 40 CFR Parts 406 - 471.

c. Provide public notification of significant non-compliance as required by 40 CFR 403.8(f)(2)(vii).

d. Pursuant to 40 CFR 403.5(e), when either the Department or the USEPA determines any source contributes pollutants to the POTW in violation of Pretreatment Standards or Requirements the Department or the USEPA shall notify the permittee. Failure by the permittee to commence an appropriate investigation and subsequent enforcement action within 30 days of this notification may result in appropriate enforcement action against the source and permittee.

5. Record keeping. The permittee shall maintain and update, as necessary, records identifying the nature, character, and volume of pollutants contributed by SIUs. Records shall be maintained in accordance with 6 NYCRR Part 750-2.5(c).

6. Staffing. The permittee shall maintain minimum staffing positions committed to implementation of the Industrial Pretreatment Program in accordance with the approved pretreatment program.

C. SLUDGE DISPOSAL PLAN. The permittee shall notify NYSDEC, and USEPA as long as USEPA remains the approval authority, 60 days prior to any major proposed change in the sludge disposal plan. NYSDEC may require additional pretreatment measures or controls to prevent or abate an interference incident relating to sludge use or disposal.

PRETREATMENT PROGRAM IMPLEMENTATION REQUIREMENTS (continued)

D. REPORTING. The permittee shall provide to the offices listed on the Monitoring, Reporting and Recording page of this permit and to the Chief-Water Permits and Compliance Branch; USEPA Region II; 290 Broadway; New York, NY 10007; a periodic report, prepared and submitted in accordance with the consistent periodic reporting format established by the Department in the document entitled NYSDEC POTW Periodic Pretreatment Report - 1994, that briefly describes the permittee's program activities over the previous year. This report shall be submitted to the above noted offices within 60 days of the end of the reporting period. The reporting period shall be Annual, with reporting period(s) ending on July 30.

The periodic report shall include:

1. Industrial Survey. Updated industrial survey information in accordance with 40 CFR 403.12(I)(1) (including any NYS Industrial Chemical Survey forms updated during the reporting period).

2. Implementation Status. Status of Program Implementation, to include:

   a. Any interference, upset or permit violations experienced at the POTW directly attributable to industrial users.

   b. Listing of significant industrial users issued permits.

   c. Listing of significant industrial users inspected and/or monitored during the previous reporting period and summary of results.

   d. Listing of significant industrial users notified of promulgated pretreatment standards or applicable local standards who are on compliance schedules. The listing should include for each facility the final date of compliance.

   e. Summary of POTW monitoring results not already submitted on Discharge Monitoring Reports and toxic loadings from SIU's organized by parameter.

   f. A summary of additions or deletions to the list of SIUs, with a brief explanation for each deletion.

3. Enforcement Status. Status of enforcement activities to include:

   a. Listing of significant industrial users in Significant Non-Compliance (as defined by 40 CFR 403.8(f)(2)(vii)) with federal or local pretreatment standards at end of the reporting period.

   b. Summary of enforcement activities taken against non-complying significant industrial users. The permittee shall provide a copy of the public notice of significant violators as specified in 40 CFR Part 403.8(f)(2)(vii).

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Action Code	Outfall Number(s)	Compliance Action	Due Date
	003	COMBINED SAMPLING LOCATION: The permittee shall install all necessary sampling ports which will allow the effluent from the combined discharge from the ORF and WWTP to be sampled. The permittee shall submit a progress report **by 08/01/2013.**	11/01/2013
	001, 002, and 003	TOTAL RESIDUAL CHLORINE (TRC) STUDY: The Permittee shall submit three copies of an approvable engineering report prepared by a professional engineer currently licensed to practice in New York State that presents an engineering solution to meet the final TRC permit limitations. The report shall include an implementation schedule for construction of the chosen alternative. If the permittee includes chlorination and/or dechlorination in the study, the design must include chlorine contact tank(s) and/or dechlorination tank(s) according to the design criteria specified in the Recommended Standards for Wastewater Facilities (i.e., commonly refer to as Ten-State Standards). Upon approval the engineering report and schedule will become enforceable under this permit. The final effluent limits shall become effective in accordance with the implementation schedule of the approved study. The permittee shall submit progress reports every nine (9) months **from 11/01/2012.**	11/01/2014
	001, 002, and 003	AMMONIA STUDY: The Permittee shall submit three copies of an approvable engineering report prepared by a professional engineer currently licensed to practice in New York State that presents an engineering solution to meet the final Ammonia - Nitrogen permit limitation. The report may include pH and/or temperature data which covers all four seasons to allow the Department to evaluate the proposed Ammonia limits using site-specific data. The report shall include an implementation schedule for construction of the chosen alternative, if necessary. The final effluent limits shall become effective in accordance with the implementation schedule of the approved study. The permittee shall submit a progress report **by 08/01/2013**.	11/01/2014
	001	PHENOLICS AND CYANIDE STUDY: The Permittee shall submit three copies of an approvable engineering report prepared by a professional engineer currently licensed to practice in New York State. The permittee shall evaluate potential phenolics and cyanide sources and potential mitigation actions to be conducted during the "Monitor Only" period and proposed treatment processes to be designed for meeting the permit limits. The final effluent limits shall become effective in accordance with the implementation schedule of the approved study. The permittee shall submit a progress report **by**	11/01/2014

The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/ RENEWAL APPLICATION/PERMIT," the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. A description or any factors which tend to explain or mitigate the non-compliance; and
4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

c) The permittee shall submit copies of any document required by the above schedule of compliance to NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505, unless otherwise specified in this permit or in writing by the Department.

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall Number(s)	Compliance Action	Due Date
001, 002 & 003	CAPACITY, MANAGEMENT, OPERATION, and MAINTENANCE (CMOM) PROGRAM: (This program shall also include ECSD #3 - Blasdell WWTP permit, NY 002 0681) Submit an approvable CMOM program for continuous ongoing sewer system assessment, flow monitoring, correction, and maintenance, including an implementation schedule according to the requirements listed on Page 12 of this permit. The permittee shall submit a progress report **by 05/01/2013.**	11/01/2013
001, 002 & 003	INFILTRATION/INFLOW (I/I) ANALYSIS AND SEWER SYSTEM EVALUATION SURVEY(SSES): (This program shall also include ECSD #3 - Blasdell WWTP, NY 002 0681) The permittee shall submit an approvable I/I analysis and SSES work plan **by 03/01/2013.** The permittee shall conduct an I/I analysis and SSES according to the following Guidelines: (a) EPA Handbook for Sewer System Evaluation and Rehabilitation, EPA/625/6-91/030, Oct. 1991, Chapters 3 and 4; and (b) Existing Sewer Evaluation and Rehabilitation, 3rd Edition, WEF MOP FD-6, 2009. The permittee shall submit an approvable final I/I analysis report and SSES in accordance with the approved work plan schedule. When the Department approves the work plan, the approved schedule will become enforceable. The permittee has the option of including progress reports on I&I and SSES activities with its CMOM reporting and documentation.	03/01/2013
001, 002 & 003	WET WEATHER OPERATING PLANS: The permittee shall develop and submit a Wet Weather Operating Plan (WWOP) for current operational conditions as described in SPECIAL CONDITIONS FOR OPERATION OF OVERFLOW RETENTION FACILITY, Item (g) on Page 8 of this Permit. The permittee shall submit the plan, and updates detailing changes to the plan as appropriate, to the NYSDEC Regional Water Engineer at the address listed on Page 23 of this permit, and to the Bureau of Water Permits, 625 Broadway, Albany, NY 12233-3505.	05/01/2013
001, 002 & 003	FACILITY REPORT (FR): The permittee shall submit an approvable Facility Report work plan **by 03/01/2013.** The permittee shall conduct an evaluation of all flows and recommends how Erie County will provide adequate capacity needed to convey and treat all existing peak flows to meet all SPDES permit requirements and limitations.	03/01/2013
001, 002 & 003	NO FEASIBLE ALTERNATIVE ANALYSIS: (This program shall also cover ECSD #3 - Blasdell WWTP, NY 002 0681) In accordance with Federal Statutes, 40CFR 122.41(m)(4), the permittee shall submit a No Feasible Alternative Analysis for the discharge from the ORF. This report shall be prepared by a Professional Engineer currently licensed to practice in New York State, and may include information developed as part of other required submittals under this Permit. The Department reserves the right to modify this permit pending the results of this Analysis. The permittee shall submit progress reports every nine (9) months **from 11/01/2012.**	05/01/2017

The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled "SPDES NOTICE/RENEWAL APPLICATION/PERMIT," the permittee is not required to repeat the submission. The above due dates are independent from the effective date of the permit stated in the letter of "SPDES NOTICE/RENEWAL APPLICATION/PERMIT."

Note: Items b) and c) are the same as listed under other "Schedule of Compliance" pages.

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall Number(s)	Compliance Action	Due Date
004	EMERGENCY BYPASS THROUGH SLOTS BETWEEN INFLUENT AND EFFLUENT WET WELL WALL: The permittee shall submit a report detailing plans to eliminate this bypass or restore its use for only emergency conditions.	05/01/2013
002	INFLUENT MONITORING OF ORF: The permittee shall establish the monitoring of flows diverted to the ORF, including measurement of flow rate and estimation of total volume diverted per event using level sensing equipment.	05/01/2013
001, 002, 003 & 004	ANNUAL SSO REPORT: The permittee shall submit annually a report by April 30th of every year, summarizing all SSO discharges for the previous year. The report shall include all pertinent information but not limited to total number of days discharged in each month, precipitation during each discharge, all sampling results of the discharges and steps taken to reducing the frequencies of the discharges.	April 30th of every year

The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled SPDES NOTICE/ RENEWAL APPLICATION/PERMIT, the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the letter of SPDES NOTICE/RENEWAL APPLICATION/PERMIT.

b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. A description or any factors which tend to explain or mitigate the non-compliance; and
4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

c) The permittee shall submit copies of any document required by the above schedule of compliance to NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505, unless otherwise specified in this permit or in writing by the Department.

SCHEDULE OF COMPLIANCE

a) The permittee shall comply with the following schedule:

Outfall Number(s)	Compliance Action	Due Date	Foot-note
	SAMPLING MONITORING PROGRAM		
001 & 002	Mercury: The permittee shall conduct a short term high intensity monitoring (STHIM) program for mercury. The STHIM program shall consists of two grab samples at Outfall 001 (one taken during a dry weather period, and one taken during a wet weather period), and one grab sample at Outfall 002 taken during wet weather discharges. EPA Method 1631with a MDL detection level of 0.5 ng/l shall be used. The permittee shall submit a report summarizing the sampling procedures, dates of sampling, sampling locations, sampling results and the findings from the sampling results.	11/01/2013	1
001 & 002	PCBs : The permittee shall conduct a short term high intensity monitoring (STHIM) program for PCBs. The STHIM program shall consist of consists of two grab samples at Outfall 001 (one taken during a dry weather period, and one taken during a wet weather period), and one grab sample at Outfall 002 taken during wet weather discharges. EPA Method 608 with a MDL detection level of 0.065 µg/l shall be used. The permittee shall submit a report summarizing the sampling procedures, dates of sampling, sampling locations, sampling results and the findings from the sampling results.	11/01/2013	1

The above compliance actions are one time requirements. The permittee shall comply with the above compliance actions to the Department's satisfaction once. When this permit is administratively renewed by NYSDEC letter entitled SPDES NOTICE/ RENEWAL APPLICATION/PERMIT, the permittee is not required to repeat the submission(s) noted above. The above due dates are independent from the effective date of the permit stated in the letter of SPDES NOTICE/RENEWAL APPLICATION/PERMIT.

b) The permittee shall submit a written notice of compliance or non-compliance with each of the above schedule dates no later than 14 days following each elapsed date, unless conditions require more immediate notice as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2. All such compliance or non-compliance notification shall be sent to the locations listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS. Each notice of non-compliance shall include the following information:

1. A short description of the non-compliance;
2. A description of any actions taken or proposed by the permittee to comply with the elapsed schedule requirements without further delay and to limit environmental impact associated with the non-compliance;
3. A description or any factors which tend to explain or mitigate the non-compliance; and
4. An estimate of the date the permittee will comply with the elapsed schedule requirement and an assessment of the probability that the permittee will meet the next scheduled requirement on time.

c) The permittee shall submit copies of any document required by the above schedule of compliance to NYSDEC Regional Water Engineer at the location listed under the section of this permit entitled RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS and to the Bureau of Water Permits, 625 Broadway, Albany, N.Y. 12233-3505, unless otherwise specified in this permit or in writing by the Department.

Footnote: 1. The permittee shall submit interim progress reports to the Department every nine (9) months until the due date for these compliance items are met.

DISCHARGE NOTIFICATION REQUIREMENTS

(a) Except as provided in (c) and (f) of these Discharge Notification Act requirements, the permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit. Such signs shall be installed within 90 days of the Effective Date of this Modification.

Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (a) above, unless a new deadline is set explicitly by such permit modification or renewal.

The Discharge Notification Requirements described herein do not apply to outfalls from which the discharge is composed exclusively of storm water, or discharges to ground water.

(b) The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in such a manner to pose minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

The signs shall have **minimum** dimensions of eighteen inches by twenty four inches (18" x 24") and shall have white letters on a green background and contain the following information:

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY_____

OUTFALL No. :____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

Permittee Phone: ( ) - ### - ####

OR:

NYSDEC Division of Water Regional Office Address :

NYSDEC Division of Water Regional Phone: ( ) - ### -####

(c) For each discharge required to have a sign in accordance with a), the permittee shall, concurrent with the installation of the sign, provide a repository of copies of the Discharge Monitoring Reports (DMRs), as required by the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of this permit. This repository shall be open to the public, at a minimum, during normal daytime business hours. The repository may be at the business office repository of the permittee or at an off-premises location of its choice (such location shall be the village, town, city or county clerk's office, the local library or other location as approved by the Department). In accordance with the **RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS** page of your permit, each DMR shall be maintained on record for a period of five (5) years.

(d) If, upon November 1, 1997, the permittee has installed signs that include the information required by 17-0815-a(2)(a) of the ECL, but do not meet the specifications listed above, the permittee may continue to use the existing signs for a period of up to five years, after which the signs shall comply with the specifications listed above.

(e) The permittee shall periodically inspect the outfall identification signs in order to ensure that they are maintained, are still visible and contain information that is current and factually correct.

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

a) 6 NYCRR Part 750 is hereby incorporated by reference and its conditions are enforceable requirements of this permit. The permittee shall comply with all conditions set forth in this permit and with 6 NYCRR Part 750, including, but not limited to: additional monitoring and reporting requirements and conditions, including noncompliance reporting.

b) In addition to a) above, all **POTWs** shall provide adequate notice to the Department and USEPA of the following: (1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and (2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. (3) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

c) The monitoring information required by this permit shall be summarized, signed and retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent. **Also, monitoring information required by this permit shall be summarized and reported by submitting;**

[X] (if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each one (1) month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

[X] (if box is checked) Annual SSO report (refer to Schedule of Compliance on page 20 of this permit) to the Regional Water Engineer at the address specified below. The annual report is due by April 30 and must summarize information for January to December of the previous year in a format acceptable to the Department.

[X] (if box is checked) Annual CMOM report to the Regional Water Engineer at the address specified below. The annual report is due by March 1 according to the Capacity, Management, Operation and Maintenance Plan Requirements on Page 12 of this permit in a format acceptable to the Department

[X] (if box is checked) Annual Pretreatment Report to the Regional Water Engineer at the address specified below. The annual report is due by July 30 according to the Pretreatment Program Implementation Requirements on Pages 15, 16 and 17 of this permit in a format acceptable to the Department.

[X] (if box is checked) a monthly "Wastewater Facility Operation Report..." (form 92-15-7) to the:

[X] Regional Water Engineer and/or [ ] County Health Department or Environmental Control Agency specified below

Send the **original** (top sheet) of each DMR page to:

Department of Environmental Conservation
Division of Water
Bureau of Water Compliance Programs
625 Broadway
Albany, New York 12233-3506
Phone: (518) 402-8177

Send the **first copy** (second sheet) of each DMR page to:

Department of Environmental Conservation
Regional Water Engineer, Region 9
270 Michigan Avenue
Buffalo, NY 14203-2999

Phone: (716) 851-7070

c) Noncompliance with the provisions of this permit shall be reported to the Department as prescribed in 6 NYCRR Part 750-1.2(a) and 750-2.

d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

e) If the permittee monitors any pollutant more frequently than required by the permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculations and recording of the data on the Discharge Monitoring Reports.

f) Calculation for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

g) Unless otherwise specified, all information recorded on the Discharge Monitoring Report shall be based upon measurements and sampling carried out during the most recently completed reporting period.

h) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section five hundred two of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be sent to the Environmental Laboratory Accreditation Program, New York State Health Department Center for Laboratories and Research, Division of Environmental Sciences, The Nelson A. Rockefeller Empire State Plaza, Albany, New York 12201.